

**SUFFOLK COUNTY LEGISLATURE
SPECIAL MEETING
FOURTH DAY
FEBRUARY 11, 2004**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
VETERANS MEMORIAL HIGHWAY, SMITHTOWN, NEW YORK**

**MINUTES TAKEN BY
LUCIA BRAATEN AND ALISON MAHONEY, COURT REPORTERS**

[THE MEETING WAS CALLED TO ORDER AT 4:45 P.M.]

P.O. CARACAPPA:

Good afternoon, Mr. Barton. Would you please call the roll.

MR. BARTON:

Good afternoon, Mr. Chairman.

P.O. CARACAPPA:

Good afternoon.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA-FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Present.

LEG. LINDSAY:

(Not Present)

LEG. MONTANO:

Present.

LEG. ALDEN:

Here.

LEG. CRECCA:

(Not Present)

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

Here.

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

MR. BARTON:

16 present. (Not Present at Roll Call: Legs. Lindsay and Crecca)

P.O. CARACAPPA:

Thank you, Mr. Clerk. Will everyone please rise for a salute to the flag, led by Legislator Nowick.

(Salutation)

Good afternoon, everyone. Mr. Clerk, please read the Special Meeting Notice.

MR. BARTON:

Notice of a Special Meeting, dated January 30th, 2004. To Joseph T. Caracappa, Presiding Officer, to all County Legislators, from Steve Levy, County Executive of Suffolk County.

"Please be advised that a special meeting of the Suffolk County Legislature will be held on Wednesday, February 11th, 2004, at 4 p.m. in the afternoon at the Rose Y. Caracappa Legislative Auditorium, located at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Hauppauge, New York, for the following purposes: " A one-hour public portion, followed by seven or six items, and to consider and vote on Certificates of Necessity." It's signed and dated February 4th.

P.O. CARACAPPA:

Thank you very much. Before we go to public portion, are there any statements or comments that Legislators would like to make, present?

LEG. BINDER:

Legislators?

P.O. CARACAPPA:

Yeah, your turn, anyone -- you want to be recognized?

LEG. BINDER:

Sure.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Thank you. Mr. Chairman, I think it's truly unfortunate that we're having a meeting today. And why would I say unfortunate? In the 14 now, 14-plus years that I've been in the Legislature, the only time that a County Executive has felt it necessary to call the Legislature into special session is for a State of the County Address. As we know, that was also done a few nights ago, and, again, out of the ordinary. And I have a real concern as what I see as a pattern emerging. Now, some would say that we should just give him the benefit of the doubt, don't go after the County Executive early, just work with him, lay down, sit down, don't say anything. As some would know, I have a hard time not saying anything.

P.O. CARACAPPA:

No.

LEG. BINDER:

Right. The point really is that it would seem to me that a question of courtesy and respect has to go both ways, particularly when cooperations can be necessary when we're talking about tough fiscal times. Both sides can set the relationship by our actions.

So far, the County Executive has told us where we will meet in a very different circumstance for

his speech for the State of the County. Now, we have been called names by Newsday, I don't put much stock in them, but we've been called third graders, because we were concerned. But I think they wouldn't be too happy if they were called out to Buffalo to have their Editorial Board meeting, just because someone on a whim wanted them to do it. It would seem to me courtesy and respect would mean that the County Executive would go to the Presiding Officer and work out with the Presiding Officer how to do that. It would also seem to me that if the County Executive felt the need for us to meet and do business that he felt we needed to do, he would go to the Presiding Officer and he would say, "Mr. Presiding Officer, I really need this. How can we work this? How can we make this happen?" And, you know, in the spirit of cooperation, I am sure this Presiding Officer would have said, "Let me talk to Legislators, let me work it out," so that we can have a meeting when all Legislators, including Legislator Lindsay, could be here, when we can all sit down, when everybody's comfortable with it, and he would have worked it out, as a Presiding Officer of this Legislature, the date, the time, and it would have been worked out, and the Legislature could have called its own meeting. And that didn't happen here. The County Executive decided on his own that he would call the meeting at the date and the time that he chose, no matter what we thought, what we felt. In a sense, he decided he was the Presiding Officer, and I think that's unfortunate.

And I think the tone in communication, cooperation, and courtesy is severely lacking. You can't act -- ask for cooperation, you can't ask to work together when your actions speak that you're going to tell the co-equal branch of government how it will conduct itself, when it will conduct itself, and where it will conduct itself, no matter what they think, and that's an unfortunate circumstance we have today.

I would hope that the County Executive would rethink how he's communicating with us and how he's acting with us. I understand the need or the desire to move forward with these appointments, it is completely understandable, but that doesn't give him the emergency status, the dire need to call our meeting without conferring with the Presiding Officer. I would hope that he will change his modus operandi on these things. I would hope that in the future he will work with us, work with the Presiding Officer, who I know is bending over backwards to cooperate with him, and to work with him to give him what he needs. I will hope that he will do that. I will hope this is not the beginning of a pattern.

If I had my way, as many of my members, the members in my conference understand, I would just have made a motion to adjourn and hope for ten votes and left here to send a message to

the other side. Obviously, that's my way. I'm a little strident sometimes. We're not going to do that today, we're going to go forward with this meeting, but I would hope he understands that this can't happen on a regular basis. This Legislature is a co-equal branch of government and doesn't need to be ordered around as such, and I would hope he would change his ways.

P.O. CARACAPPA:

Thank you, Legislator Binder. Any other Legislators before we go to the public portion? Okay. First card, Lauren Corcoran. On deck is Bob Angelo. All speakers have three minutes.

MS. CORCORAN:

Good afternoon.

LEG. ALDEN:

It's not on.

MS. CORCORAN:

Good afternoon.

LEG. BINDER:

We shock our speakers.

MS. CORCORAN:

I know. Is that the method, huh? Good afternoon, Presiding Officer, and the rest of the Legislative body of Suffolk County. I'm happy to be here today. I'm representing SCIU, 1199 is the local, and the President is Dennis Rivera, just to say a few words in support of my fellow brothers and sisters, as well as you, in support of our brother and -- brother, Robert Dow, to be -- excuse me. I just wanted to basically support the discharge of the resolution from the Ways and Means Committee, hence bringing before this Legislative body today a vote to appoint Commissioner Robert Dow upon his appointment of Commissioner of Labor. We truly do believe he's a brother.

Jack Caffey and the Long Island Labor Fed, as well as brothers and sisters in labor of Long Island have supported this move. And we do urge you here today to go ahead, vote on behalf of his appointment. And we hope you know that not only New York State Labor, but Long Island Labor is in favor of this and in support.

Local 1199 is a statewide health and human service union. It has about 220,000 members statewide, as well as 25,000 living right here on Long Island. And we are proud to say, on behalf of Dennis Rivera, the President of that union, that we are in support of Robert Dow's appointment, and we hope you move steadfast to do that. Thanks.

P.O. CARACAPPA:

Thank you very much.

(Applause)

P.O. CARACAPPA:

Robert Angelo, followed by Jimmy Rogers.

MR. ANGELO:

Good afternoon. Thank you for letting us speak, Presiding Officer. My name is Robert Angelo. I'm representing Laborers Local 66 Long Island. We have about a thousand active members and retirees right here in Suffolk County, about 2,000 Island-wide. I second everything the sister before me said.

One of the biggest problems facing Suffolk County and the whole Long Island, and the nation at this time, is the economy and jobs, and how to find good jobs in this economy. One of the most important jobs of the Labor Department here in Suffolk County and the State is to make sure that our workforce is well trained for the jobs of today and tomorrow. And as a laborer, as a member of the building trades, I know firsthand that one of the best training programs in Long Island, if not the country, is the IBW Apprenticeship Training Fund that Mr. Dow has been in charge of with his local at IBW for many years now. And if there's anybody that can get in there now and help our residents of Long Island train themselves for the future and make this Island a better place, there's nobody better than Robert Dow right here to be next Commissioner.

I really urge you guys and women to get on this and make sure that he gets in there as soon as possible, so he can get to work now and help out my brothers and sisters and those who we don't represent, who right now can't find a good job, because they don't have the resources to do so. Thank you.

(Applause)

P.O. CARACAPPA:

Thank you. Jim Rogers, followed by Ron Caputo.

MR. ROGERS:

Good afternoon, members of the County Legislature. I'm speaking on behalf of Jack Kennedy. He's out in Riverhead. He had a previous engagement. He wanted to be here and he couldn't. I saw him this morning and he told me to speak on his behalf and in behalf of the Nassau and Suffolk Building Trades.

Personally, again, I'm going to echo what my brother and sister said earlier about Robert Dow. I worked with him in the building trades on many issues before serving on the transition team for Labor and Transportation just recently. In that capacity, I saw Robert work on the issues with the -- you know, going over the positions in the Labor Department and being the Commission of Labor, and I thought he did a terrific job. He brought up a lot of good points. There were some good people sitting in on those meetings and he did a terrific job. I think he would make a great Labor Commissioner. He also has a good supporting team with -- out of management, not just a Labor person, but out of management, Larry Cooley, is going to be working under him, and also Liz Pearsall, who comes from Labor, she'll do a terrific job.

At the national level, we have a secretary of anti-labor right now in Elaine Chao, who has worked against organized labor every attempt she could. She just recently got rid of overtime pay for about 8 million people. One of the first things she did was getting rid of project labor agreements at the federal level on federal projects, and a list of other things, funding for OSHA, and on, and on, and on, and on.

At the local level, we need a good, strong, Labor Commissioner to offset that problem that we have at the national level, and I think Robert Dow can do that.

Over the last couple of days, I've been hearing about political in-fighting, so to speak, that's going on with the County Executive and the Legislature in the appointments, and everything else. When the building trades endorses candidates, we do it in a bipartisan fashion. We don't go on party lines, we do it with you candidates that are good or elected officials that are good

for -- on labor issues. We hope that you do the same thing for us in appointing Robert Dow, that you're not going to do it because of inside politics. So, if you're looking for a political football to kick around, you definitely picked the wrong issue in picking the Labor Commissioner. Find something else. I know the labor community is not going to stand for that. Thank you.

(Applause)

P.O. CARACAPPA:

Thank you. Let the record reflect that the tabling of the Labor Commissioner was a bipartisan tabling, just for everyone's knowledge, for the record. Ron Caputo.

MR. CAPUTO:

Good afternoon. My name is Ron Caputo. I'm a representative of District Council 9, International Union of Painters and Allied Trades, a membership of about a thousand members that live and work on Long Island. I'd like to take this opportunity to thank the Presiding Officer Caracappa and the Legislature today to address you.

On behalf of my membership, we are urging this body to discharge the resolution out of committee, so that today, the Legislature can vote on the Labor Commissioner appointment. Bob Dow is clearly the best choice for this position of Labor Commissioner. And it is not that he is our choice solely, but the fact that Bob Dow has the education and the experience, and he is qualified to execute his responsibilities and duties as the Suffolk County Labor Commissioner. That's it. Thank you.

(Applause)

P.O. CARACAPPA:

Thanks. Bob Glaser, followed by Timothy Lynch.

MR. GLASER:

Good afternoon, members of the Legislature. I'm happy to be here. I'm a Business Agent for Local 12, which is the insulators, and it's a small local, we only have 500 members, and their interest counts as much as the bigger locals and for every working person on Long Island. And

not to be unsympathetic to the matters of proper protocol, I am hoping that we could move beyond that and get to the real issue of the day, which is the appointment of Bob Dow for Labor Commissioner. He's certainly a qualified individual. He certainly represents labor. I feel he's good for the County. I am a citizen of Suffolk County, I live in Amityville. I believe he's good for everybody. He's good for the County, the working man, and for every citizen in the County. And I urge you people to get behind him and support a good honest man. Thank you very much.

P.O. CARACAPPA:

Thank you.

(Applause)

P.O. CARACAPPA:

Tim Lynch, followed by Donna Wilson.

LEG. LINDSAY:

Good afternoon, brothers and sisters. Timothy Lynch, President and Principal Officer of Local 1205 of the Teamsters Union. The Teamsters Union in the metropolitan area of New York and Long Island has over 130,000 members who are becoming more and more awake as to the concerns of the issues that affect Suffolk County.

I'm here today on behalf of the members that voted for me to speak on behalf of Mr. Robert Down, who we believe to be exceedingly qualified for the role that he has been appointed to do, and we're hoping that each and every one of you will act accordingly, which we believe is in the best interest of the citizens of this great County.

We at Local 1205 represent people from Farmingdale to East Hampton, from Greenport to Huntington, and they will participate in all the affairs that we see that are necessary to enhance the lives of the people that live in this county, and we believe Mr. Dow can work diligently to enforce the laws, and do all he can to enhance the respect that's needed for the people that do the work of this county.

And if I just may digress for a moment to comment on something that was said prior to this portion of this meeting. And with all due respect, Mr. Binder, to the protocol of how things

should be done between the Legislature and the Executive Branch, that's not for you to decide, but I find it -- I found it quite insulting to the people of Southampton to equate the residents of Southampton as if going out there is like taking a trip to Buffalo. I certainly think the people of Southampton would take that as an insult.

(Applause)

P.O. CARACAPPA:

Donna Wilson, followed by Alex -- Alexander, or Alexandra Strauss. Sorry.

MS. WILSON:

Good afternoon. My name it is Donna Wilson. I'm a member of Local 25, I'm an electrician. I'm also graduate of the Displaced Homemaker Program, which I probably thank you for your support of that program.

The first time I met Bob Dow, he was not a Business Manager. I was working for a union contractor. The contractor I worked for was an outside contractor. We were working on the side of the road on the Long Island Expressway. There was a question on whether or not we were being paid according to the Federal Labor Laws. He had come out, and what was amazing, he had a broken foot when he had done this. So it just proves his integrity on whether or not you're union or nonunion, that he will stand by and uphold the Federal Labor Laws, so that people are paid equally and fairly. So I do hope you consider appointing him this position, because he honestly does feel that there should be equal ground for everyone. Thank you very much for your time.

(Applause)

P.O. CARACAPPA:

Thank you so much. Alex.

MR. STRAUSS:

Yes. Alex Strauss. I live at 184 Radio Avenue in Miller Place. I've been a lifelong resident of Long Island. And I'm going to have a little different spin on this. I come here in opposition to the appointment of Bob Dow as your Labor Commissioner.

I hear all this niceness that is said about Mr. Dow. Mr. Dow, if you look at his record, has been a Business Manager for a year-and-a-half, 18 months, first term and quit. Before that, he was a Business Representative for two years and quit. Now he's going to be Suffolk County's Commissioner of Labor. He has not treated me well and I'm a member of the local. I don't have a job today because of this man.

You'll hear a lot of stuff. You'll hear a lot of different things. Well, I'm telling you that I lost my job because of this man.

I'm very proud of Local 25. When they said that they had the best training facility, absolutely. He had nothing to do with it. I'm sure that the Suffolk County -- oh, gees. Mr. Levy, how about that? I can't -- I just can't remember. I'm sure that he can pick a better person to be his Labor Commissioner. And I hope that the Legislature here will look into the -- into his listings of what he has done as a labor man. It's not much there. Thank you for my time or your time, and I appreciate the opportunity.

P.O. CARACAPPA:

Thank you very much. Next speaker, Ed McGilly, followed by William Cavanagh.

MR. MC GILLY:

Good afternoon. My name is Ed McGilly. I have been a member of Local 25 for 35 years. Of the 35 years, I've known Bob Dow for the past 30 years. Outstanding individual. Went by our code 100% percent. Would not bend either way regarding his ability to either be a journeyman, a foreman, a shop steward, a delegate, a business manager. And each of those particular jobs that Alex had explained, as he used that adamant word "fired", he was not fired -- or "quit". Excuse me. He did not quit the jobs, it was for a better advantage. The reason why he left Local 25 to come here is because that's not considered a quit. There's a reason for everything.

I think Alex is a little disgruntled, because he lost his job. I myself, out of the 35 years I've been in Local 25, I've only had 20 years of work, of which I lost seven due to unemployment. I was let off the job. You want to call that a quit, then call it that, but I think you should look into the situation that caused Alex to get up here and create this ridiculous situation, since you have all these labor leaders that are here today that are representing Robert Dow as the next County Labor Executive, and I think that you'll see that my statement here today is 100%.

I myself would like to see you people vote in Robert Dow for this position, because he's definitely the best man that I know. I've worked with him, like I said, many years, and he's an outstanding individual, very straight, very forward, and that's how he will treat this County. Thank you very much.

(Applause)

P.O. CARACAPPA:

Thank you. William Cavanagh, followed by Godfrey King.

MR. CAVANAGH:

Yes, hello. My name is William Cavanagh. I've been a member of Local 25 for many years now. I live and vote in Commack and I've known Bob Dow for many years. As a business rep, he was the best rep we ever had. For many years, he was an organizer and a close friend. I would not know anybody better for a Commissioner of Labor than Bob Dow. He knows labor, he is labor. Thank you.

(Applause)

P.O. CARACAPPA:

Thank you. Godfrey King, followed by Nick LaMorte.

MR. KING:

Good evening, Legislative body. My name is Godfrey King, I live in Bay Shore, Long Island area. I've been in Suffolk County for the last 25 years. I'm also the Vice President of the Electrical Workers Minority Caucus. That's something that Bobby Dow, Robert Dow brought to. Local 25 about a year and two months ago.

I've known Robert Dow for about 12 years. I have worked beside him. He's fair, honest. He eats and sleeps labor, and that's very important. You want someone that understands labor, not someone that's just a nine to five laborer.

Robert Dow is very qualified for this position. He's ambitious, he's hard working. Yes, he's our past Business Manager, but he took a position and he saw a future and he saw how he can help Suffolk County become stronger, especially in labor. Robert Down will make a great positive

and ambitious Commissioner of Labor for Suffolk County. Thank you.

(Applause)

P.O. CARACAPPA:

Thank you. Nick LaMorte, follow by Gene Parrington.

MR. LAMORTE:

Good afternoon, everyone. My name is Nick LaMorte. I represent 50,000 CSEA members in Nassau and Suffolk County, evenly distributed, 25,000 in each county. How about that?

I'm here to support Robert Dow. And I don't really know what the heck is going on, but I was asked to be here to speak up, because he's a friend. Not only is Bob Dow a friend, he's a great labor leader. And I can say that, because I only know the gentleman for two years. But of the two years that I've known him, he's been honest and forthright, and he sticks to his guns. His word is his bond, and that was enough for me.

I think, if you move this out of committee and appoint Robert Dow as the Suffolk County Labor Commissioner, he will be an asset to each one of you. He will lend you his support and his advice and his knowledge. And if he doesn't have that advice and knowledge, he'll find it, because he's going to build a team behind him that's going to be the best that we've seen here in Suffolk County for sometime.

Now, if you think the labor movement hasn't had problems with the previous administration or the previous Labor Commissioner, you're sadly mistaken. But we do know that labor needs a voice, needs a voice on this Legislature and it needs a voice as the new Commissioner of Labor. So I ask you to reconsider, move it out of committee. Let's get on with business. Labor needs jobs. Thank you.

(Applause)

P.O. CARACAPPA:

Thank you, Nick. Gene Parrington, followed by James {Peta}, {Pelta}.

MR. PARRINGTON:

Hi. Good afternoon. My name is Gene Parrington. I'm a Business Rep for Local 25. I've had the privilege in knowing Bob Dow for over 20 years. He is one of the hardest working individuals that I've ever met. I have work with him side by side as an electrician. I've attended college with him, that's after work on Saturdays, Sundays, on our own time, as he's trying to get his own kids through college. I've attended -- I have worked with him -- I also worked with him as a Business Manager, I've worked for him as a Business Rep. He has guided our twenty-four hundred member local through some of the toughest times that we have gone through. He has negotiated many contracts for our many divisions, and brought our local into the 21st century. He will help bring peace within the labor community. Please consider and vote on Bob Dow, I know him very well.

(Applause).

P.O. CARACAPPA:

Thank you.

MR. PARRINGTON:

Thank you.

P.O. CARACAPPA:

James F., it looks like {Peta}. Just correct me when you --

MR. PENA:

Pena. Thank you.

P.O. CARACAPPA:

Did I get it right? No.

MR. PENA:

Close. Good earning, everyone. My name is James Pena, and I am a Local 25 IBW organized union electrician. I'm also President of the Electrical Workers Minority Caucus for Local 25. I'm here strictly on behalf of Bob Dow.

Bob Dow displays a character of impeccable integrity. Selecting.

Mr. Dow as Commissioner of Labor could only bring true honest judgment on every level.

Regardless to positives and negatives on Bob Dow,
Mr. Dow will truly come through. He's qualified unquestionably. This county can use Bob Dow.
Thank you very much.

P.O. CARACAPPA:

Thank you.

(Applause)

Paul Heinzl, followed by James, it looks like Wisdow or Wisdon.

MR. HEINZEL:

Good afternoon, honorable members of Suffolk County Legislature. I'm here on behalf of the over twenty-six hundred retired and active members of the International Brotherhood of Electrical Workers Local 25, and I'm urging this governmental body to move forward in a bipartisan spirit and work together and approve the appointment of Bob Dow as the Commissioner of Labor for Suffolk County.

As I look across the table, I have -- see some familiar faces here in the Legislature, as I sat on the Committee on Political Education Committee within Local 25, and we do our screening of the candidates here, and I appreciate all the support that you have given to labor, as well as the support we have given you as our elected officials. I know Bob Dow personally for well over 15 years, good friend of mine, extremely qualified.

I represent, as I said, the dues paying members of Local 25, and I'd like to address the concerns of this Legislature as to the reason for this special meeting, and it may be a call for a little bit of inconvenience on your part. But myself, as a Business Rep of Local 25, I work for the members of Local 25. My salary is derived from their dues, as is your salaries are derived from the taxpayers of Suffolk County. So, in a sense, I work for the members of Local 25, you guys work for me. And in doing so, I ask that you move together in a bipartisan spirit and approve the appointment of Bob Dow as Commissioner of Labor. Thank you.

(Applause)

P.O. CARACAPPA:

Thank you.

MR. WISDOM:

Jim Wisdom, Local 25, International Brotherhood of Electrical Workers. Thank you for letting me speak today. I've known Bobby for over 20 years. Robert's always been the type of guy that can talk to the contractors out at Local 25, which is management, and he's also done a very good job with the members of Local 25 when he was a Business Manager. Bob Dow is definitely the right guy for the job. He's well educated in labor, and I believe he's the man for the job. Please put Bobby in there for us. Thank you.

(Applause)

P.O. CARACAPPA:

Thank you very much. I have no further cards for speakers. Anyone else wishing to address the Legislature? Okay. Motion to close public portion by myself, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Public portion is closed.

LEG. VILORIA-FISHER:

Mr. Chairman.

P.O. CARACAPPA:

We now are now going to go to the agenda. I recognize Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Mr. Chairman, I'd like make a motion to discharge I.R. 1083.

LEG. BISHOP:

Second.

P.O. CARACAPPA:

There is a motion to discharge **1083 (Resoution Confirming Appointment of County Commissioner of Labor)**, which was tabled in Ways and Means --

LEG. VILORIA-FISHER:

Ways and Means, yes.

P.O. CARACAPPA:

-- 6-0. A second --

LEG. COOPER:

Second the motion.

P.O. CARACAPPA:

-- by Legislator Cooper. If discharged, this does have to age for an hour.

LEG. VILORIA-FISHER:

I thought for a special meeting, it wasn't required to age for an hour. Can we have --

P.O. CARACAPPA:

Counsel?

MS. KNAPP:

It should still be the same.

P.O. CARACAPPA:

I recognize Legislator Tonna.

LEG. TONNA:

Yeah. As best as I can remember, it's got to age an hour. The only thing that you can do is ask to waive the rules of the age. That's the only way that you can get to vote on it.

P.O. CARACAPPA:

That's how I -- how I know the rule to be, so -- but with relation to a special meeting, Counsel?

MS. KNAPP:

Yes. It actually refers to any Special Meeting.

LEG. FOLEY:

You have to speak into the mike, Counsel.

MS. KNAPP:

I'm sorry. The rule specifically does refer in parenthesis, "Or any special meeting shall not be acted upon by the Legislature until at least one hour has elapsed."

LEG. VILORIA-FISHER:

Thank you, Counsel. I stand corrected. I'd like to waive the rules and discharge 1083 --

P.O. CARACAPPA:

First is the motion to --

LEG. VILORIA-FISHER:

Separately.

P.O. CARACAPPA:

First is the motion to discharge.

LEG. VILORIA-FISHER:

Okay.

P.O. CARACAPPA:

There's a motion and a second. All in favor?

LEG. BINDER:

Roll call.

P.O. CARACAPPA:

Roll call.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

I would ask that if any of my colleagues would find it helpful, I have asked for the committee-out report to be brought over here, and if anybody wants to know why it was tabled or what the vote was on tabling, who made the motions, what kind of questions were asked, that information will be here in a few minutes. So if you want to take like a five-minute recess on this, we'll have that information.

LEG. TONNA:

I'd like to be -- just put me on the list.

LEG. VILORIA-FISHER:

Okay.

LEG. ALDEN:

Because it was fully debated in the committee, and it was also at the -- and I just want to be correct when I say who made motion to table it, but it was right after Legislator Lindsay went through a, you know, pretty extensive questioning, he raised questions that he said needed to be answered as far as resume, experience, qualifications for the job, etcetera, etcetera. And then he -- I think it was him that made the motion, but, you know, I just want to get the committee-out report to be 100% correct on that.

P.O. CARACAPPA:

I did say the vote was 6-0 to table in committee.

LEG. VILORIA-FISHER:

Yes.

P.O. CARACAPPA:

So I'm recognizing Legislator Tonna, and then Binder.

LEG. TONNA:

Just two points. One is the Chairman of that committee is Legislator Alden?

LEG. ALDEN:

Yes.

LEG. TONNA:

I know I've always lived by a rule, and I think for the last at least ten years, that I would not discharge out of committee without -- at least for one cycle without the Chairman of a Committee. I would like to, and I will vote to support the County Executive's nominee, Bob Dow as Commissioner, but right now it's in committee, and it's been a long practice by at least some Legislators to say that they would give the Committee Chairman respect enough to, you know, be able to table a bill for one cycle.

LEG. VILORIA-FISHER:

Mr. Chair.

LEG. TONNA:

And so I -- let me just, if you don't mind --

LEG. VILORIA-FISHER:

I just wanted to get his attention.

LEG. TONNA:

Right. So I just wanted to say, I think that in the long run, that has worked very well with a lot of different legislation, or whatever else that we have in front of us. When it -- you know, after the one cycle, you know, I'll make it very clear that I will vote for Bob Dow, but I think that we should respect the committee system and say that a Chair has a right, at least for one cycle, to have the respect to -- if it's chaired -- tabled in committee, to not have it discharged. Thank you.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

As I said, before we were called to this session without consultation with the Presiding Officer. Had he consulted, he would have found out that Legislator Lindsay, who I think, particularly on this legislation, deserves an opportunity for input and an opportunity to vote, couldn't be here today. Obviously, with his background and who Bill is, I think it's important that he be here for the vote. And I think it would be improper, as it wasn't our choice to be here today at this moment, when he couldn't be here, I think it would be improper for us and a lack of respect for

our colleague for us to discharge this today and not give him that opportunity. So I will be voting no to discharge, so

Mr. Lindsay will have the opportunity to be here when we do have this full vote, which, obviously, a Commissioner vote is an important vote and he should have that opportunity.

P.O. CARACAPPA:

Legislator Vilorio-Fisher, Foley, Carpenter and O'Leary.

LEG. VILORIO-FISHER:

Thank you, Mr. Chair. I am a member of the Ways and Means Committee, and I was part of the vote that voted to table this, because it didn't seem that, at that point, that it would have been approved, that a motion to approve out of committee would have succeeded.

I do want to address the, I believe, very fair issues that were just brought up by Mr. Binder regarding Mr. Lindsay and his questioning, which, as Legislator Alden indicated, were in-depth questioning. And it was clear at that time that Mr. Lindsay and Mr. Dow had a difference of opinion on some issues regarding a role that they each played outside of this Legislature and outside of Suffolk County government. Upon listening to -- I believe there were between five and ten people from IBW 25. There was one person who spoke this evening who spoke in opposition to this appointment, and the rest of the speakers spoke in favor of the appointment and in favor of the resolution.

It seems to me that when we are looking at something of this importance, and an issue which we must look at in as objective a manner as we can, that we weigh the testimony that we're hearing from other parties who come from that same local, and other parties who may not have been involved in whatever kind of contentious situation might have occurred between two people who worked together. The testimony that was put before us by such people is Nick LaMorte and Donna Wilson, and other people who were not -- Robert Angelo, Jim Rogers, people who have worked with Mr. Dow professionally, although perhaps not within his same local, and might not have been part of the -- whatever the contentious situation was between Mr. Lindsay and Mr. Dow, I believe that they have certainly provided very positive testimony.

May I add that one of the questions, if we look at the minutes of the Ways and Means Committee, that I asked Mr. Dow at that time was his disposition and his support of the Displaced Homemakers Program, which is very important to me. I may have even attended

Miss Wilson's graduation. I have attended a few of the graduations there. It's a very important program to me. And so her testimony today really carried a great deal of weight.

One of the issues that was discussed today in our Parks Committee when we were interviewing another candidate, was the issue of diversity in our workforce. And I was impressed by two speakers who spoke, I believe it was James Pena and -- I'm sorry, I'm not able to read my own handwriting. Godfrey King, who spoke about -- of the Electric Workers Minority Caucus, and I believe that he credited Mr. Dow with helping to facilitate that particular group's coming together. All that being said, this is a lot more information than was available at the Ways and Means Committee.

We know that there is an urgency in trying to get our government in place, so that we can move forward. This is an important position. We need the Commissioner of Labor to be in place. And I urge my colleagues, with the information that has been brought before us by all of the people that are sitting here, that we move forward, so that we can have a government that can be fully staffed, and provide the people of Suffolk County with the kind of governance that they deserve, and the people who are here with the kind of governance that they deserve. I urge my colleagues to support this motion.

P.O. CARACAPPA:

Legislator Foley.

(Applause)

LEG. FOLEY:

Thank you, Mr. Chairman. Earlier remarks were made about the usual tradition of, if a Chair wants a resolution tabled for one cycle, more often than not, that resolution is tabled for one cycle. The problem this time is with so few General Meetings in the first half of the year, if we table this resolution, or if the resolution is not discharged from committee, the next available chance to discharge it from committee through the regular cycle will be mid-March, and then the General Meeting won't be held until the end of March. So we're looking at a month-and-a-half away from where we are today.

And, quite frankly, when it comes to labor issues, as was mentioned earlier, particularly by Mr. Rogers, there are labor issues dealing with -- on a State level, and also on a Federal level, that

our County Commissioner of Labor will be interacting with. Particularly in this atmosphere right now, where labor laws are being attacked at the Federal and State level, we need to have a dynamic County Commissioner of Labor who can go to the halls of Albany, who can go down to Washington and challenge these anti-labor positions. So we need to have that person in there now.

And I would just emphasize the fact that one of the urgent reasons why we need do this is that that very important position and that very important department has no Commissioner. There's a vacancy as we speak. Because there's a vacancy, as we all know, when there are vacancies, that can create a vacuum. When there's a vacuum, things aren't getting done. And when it comes to labor issues in this County, we need to have leadership, leadership not only from this Legislature and from the County Executive, but leadership from the very department that oversees labor issues from the working men and women of this County.

So I urge us not to do what we normally do through tradition, which is to table it for one cycle, if the Committee Chair asks to do so. The problem is then we wouldn't be able to address this until the end of March and that's way too long. Let's move it today, so we can get moving on the issues that are affecting our constituents who are members of organized labor. Thank you.

(Applause)

P.O. CARACAPPA:

Mr. Foley, Legislator Foley, if you could just clear up a question I have with relation to what you just said.

LEG. FOLEY:

Go ahead.

P.O. CARACAPPA:

Is Mr. Dow serving in the capacity currently? Is he over across the street in the office?

LEG. FOLEY:

I'm told there's a vacancy -- there's a vacancy of the Commissioner position --

LEG. ALDEN:

As Chairman of the Committee, I can clear something up there.

P.O. CARACAPPA:

I'm not sure. Is he already across the street serving?

LEG. ALDEN:

He's serving as either Deputy --

LEG. FOLEY:

He's Deputy.

LEG. ALDEN:

-- or as an acting Commissioner, which he testified before the Committee. And just as a point of personal privilege, just to clear up something that was said twice, the Chairman of the Ways and Means Committee isn't asking anybody to table anything, and did not ask anybody to table anything, or to continue with the table. I have the report right now, and Legislator Viloría-Fisher, at the request of another member of this body, made the motion to table, which was seconded by Legislator Crecca, and then everybody in Ways and Means voted yes to table it, because of the concerns that Legislator Lindsay brought up and the way he presented it, as far as questioning the qualifications, the -- there was a number of --

LEG. VILORIA-FISHER:

Just a point of personal privilege.

P.O. CARACAPPA:

Hold on. Hold on.

LEG. VILORIA-FISHER:

I did agree with that.

P.O. CARACAPPA:

Well, don't --

LEG. VILORIA-FISHER:

Okay.

LEG. ALDEN:

Just to clear up --

P.O. CARACAPPA:

Legislator Viloría-Fisher, just wait your turn, please.

LEG. ALDEN:

Just to clear up the record on that point, and I'm on the list, because I'll give you a little bit more of what went on.

LEG. FOLEY:

Well, the question was asked --

LEG. VILORIA-FISHER:

But, Mr. Chair, as a point of personal privilege.

LEG. FOLEY:

The question was directed to me, Mr. Chairman, if I may.

P.O. CARACAPPA:

Hold on, one at a time. There is a point of personal privilege, which I will recognize.

LEG. VILORIA-FISHER:

Thank you, Mr. Chair.

P.O. CARACAPPA:

Legislator Viloría-Fisher, followed by a point of personal privilege by Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman.

P.O. CARACAPPA:

Is that correct?

LEG. FOLEY:

Thank you.

LEG. VILORIA-FISHER:

Legislator Alden, I that it was very clear in my statement that I said that I did either make the motion or support the motion to table. I made it very clear that it was because of the dialogue that I had heard between Mr. Lindsay and Mr. Dow. So there is no -- I don't see any point of argument between what you're saying and what I represented here.

LEG. ALDEN:

Good, because just to clear it up, at no point --

P.O. CARACAPPA:

Cameron.

LEG. ALDEN:

I'm sorry.

P.O. CARACAPPA:

Just through the Chair.

LEG. VILORIA-FISHER:

Okay. I thought there was an implication by you that I had said something else, and I just wanted to clarify that --

LEG. ALDEN:

I didn't say that you said anything else.

LEG. VILORIA-FISHER:

Okay. I wanted to clarify that --

P.O. CARACAPPA:

Please, let's avoid the back and forth. Just finish your statement, Legislator Viloría-Fisher.

LEG. VILORIA-FISHER:

Yeah. My name is that there is no -- there's no argument here between the Chair and myself.

P.O. CARACAPPA:

Thank you. Legislator Foley.

LEG. FOLEY:

Yeah, thank you. I just -- I'll be very quick. It was mentioned earlier that it was at the request of the Chair of Ways and Means. That's what Legislator Tonna had mentioned, and that's why I went on to say that's the usual tradition, but you've cleared the air. It wasn't made by the Chair of the Committee, but by other members of the Committee. So thank you for the clarification.

Let me just go on the other point that the Presiding Officer had raised. Mr. Dow is over at the Labor Department.

P.O. CARACAPPA:

Thank you.

LEG. FOLEY:

You're absolutely right.

P.O. CARACAPPA:

Thank you.

LEG. FOLEY:

He's over there, but not in the position of Commissioner.

P.O. CARACAPPA:

Yes. I just --

LEG. FOLEY:

Okay.

P.O. CARACAPPA:

-- wanted to know if he was on the job, that's all. Did you want a -- is there a point of personal privilege?

LEG. ALDEN:

I'm on the list.

P.O. CARACAPPA:

You are on the list. Legislator Carpenter.

D.P.O. CARPENTER:

Thank you. All this dialogue's been very interesting. And I am not a member of the Ways and Means Committee. I did -- I was at the Legislature yesterday morning for a meeting and did sit in briefly, and when I was there, I found it interesting, because the question was asked of the nominee whether or not he had been notified that it was a practice, or it might be appropriate for him to contact, especially members of the committee, to meet with them prior to the committee meeting, so that they could have an opportunity to have a dialogue and ask about any, you know, questions or concerns they may have of the nominee. That has been the case with a series of appointments that we've had to entertain, starting with the Police Commissioner, who made it a point to reach out to almost every Legislator, I believe, not just the members of the Public Safety Committee. Also, the Parks Commissioner nominee, he, too, was, and, in fact, I used the words this afternoon, very, very respectful, and -- of this body, and made it a point to take the time to meet with the Legislators. And it really does serve to give you an opportunity to get some questions answered, have a better comfort level. I don't even have the resolution before me with the backup, with the resume, because it was my understanding that we were not going to be entertaining this today.

The one thing I would like to clarify is the fact that, if we don't discharge this today, we don't have to wait until March, because this body is meeting on February 24th, which is a little over a week-and-a-half away. And it is very likely that if Mr. Dow does reach out, which I will for the record state that yesterday when I called in to get my messages, because we were in committees all day yesterday, I did learn that Mr. Dow had contacted my office, and I think that they have set something up today. There was some communication, and hopefully we're going to be meeting. I know he -- the message I got was that he was going to be away the week of the 23rd, but, hopefully -- and I certainly hope that isn't a reason for why there's a rush to push this through today, because, certainly, we can entertain this on the 24th.

I'm really looking forward to the opportunity of sitting and meeting and speaking with him. And,

certainly, the support of the labor community this evening on behalf of his nomination will weigh very heavily with the Legislators, and I'm sure that after all is said and done, he will be supported. But the other point that needs to be made is that he is working in the department. The voice of labor is being heard. So lest anyone think that we're disregarding anything or standing on precedent here, that really isn't the case, we're just trying to do the job and do it appropriately. Thank you.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Thank you, Mr. Chair. I'd like to echo the comments of my colleague, Legislator Carpenter, but point out that perhaps in this particular instance, in the confirmation process of Mr. Dow as Commissioner of Labor, there was perhaps a lack of communication on the part of the designee to not only the Legislators, but perhaps to the labor leaders who have responded here this evening.

As a member of the Ways and Means Committee, I was a part of the tabling vote, and I did so simply because, in my mind, there was no verification or affirmation, if you will, from the labor community on their support or lack of support of Mr. Dow as Commissioner of Labor. Clearly, that matter, in my mind, has been resolved this evening. And, as is indicated, Mr. Dow is currently working over at the Department of Labor.

It's clear to me that labor, or the labor leaders at least gathered here this evening strongly support his candidacy as designated Commissioner of Labor. I appreciate that, and certainly would be supportive of Mr. Dow's candidacy or designation as Commissioner of Labor. However, because of the protocol involved, I would defer to my Chairman of the Ways and Means Committee with respect to this particular motion that's on the floor. And I look forward in the future to addressing the full confirmation vote of Mr. Dow. And I think, if he acknowledges it, Mr. Dow himself might very well state that perhaps he was lacking in not contacting the various Legislators for purposes of affirmation and support of his candidacy as Commissioner of Labor. Thank you very much.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I feel a little bit bad that I've been accused in the press, and also I've been accused tonight, acting in a partisan manner and blocking the appointment of this Commissioner. And with what happened in Ways and Means and some of the accusations that were made here tonight, and some of the people that came up and spoke, the ones that are my friends didn't really make that accusation, because I think we know each other well enough that they know I wouldn't act that way, but other people that I don't know really did accuse me of acting in a partisan manner.

I want to point out for the record that when Mr. Dow testified before us, he did state that he was acting in a very high capacity in the Department of Labor as either a Deputy Commissioner or the Chief Deputy Commissioner. He has been appointed and was actually on the job. He also indicated that he didn't really think about and wasn't advised to contact the Legislators and meet with them, as other Commissioners had done, and right after the meeting, he contacted my office and we have a meeting scheduled for, I believe, early next week, as he did with other Legislators.

I also want to make it very, very clear that Mr. Dow also came up and told us that he's a registered Republican. Correct me if, you know -- okay. So I felt very bad tonight, especially to be accused of trying to block something or act in a partisan type of manner, when the truth of the matter is, in that committee, we developed testimony, and one of our Legislative comrades asked questions and asked that this appointment be tabled to develop a record further, which, because of the circumstances, seemed very, very logical. He was on the job. There would be a short period of time when Mr. Dow would be able to come around and meet with all of us, and it didn't seem like we were leaving the Department of Labor in a rudderless or a captainless position. So, out of respect for one of my Legislative comrades, who happens to be on the other side of the aisle, and not on the side of the aisle that I'm on, as far as political persuasion, this resolution was tabled in Ways and Means to develop further the record.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Thank you, Presiding Officer. I also do not sit on the Ways and Means Committee, so I was not there to hear the testimony yesterday. I think it's important to me that the Commissioner of

Labor certainly be a friend of labor, and hearing today from the testimony, that that seems to be the case. However, Mr. Lindsay, Legislator Lindsay is also I consider to be a friend of labor and he's not here today, and he had raised some concerns. That makes me feel like I certainly would like to meet with Mr. Dow, Mr. Dow myself.

I think there may be another way to do this, and I appreciate the comments that Legislator Tonna made about past protocol. My feeling is I probably would favor actually discharging this, but not voting on it today. We are meeting in two weeks. It would then, rather than waiting a full cycle, we'd be able to vote on it two weeks from now. That would give us all opportunity to meet Mr. Dow to review the testimony from the Committee, from the Ways and Means Committee, and then it would not hold it up a full cycle.

LEG. BISHOP:

I'll second that motion. That's something very good. Is that a motion?

P.O. CARACAPPA:

Well, you have to have to have a discharge first, so the motion's appropriate. It's what you do after, after discharge.

LEG. BISHOP:

I'm sorry. Your Deputy Counsel is in my ear.

P.O. CARACAPPA:

What needs to be done regardless is a motion to discharge. If you want to make a -- second the motion to table, it would have to come after the motion to discharge and it's before us. Okay?

LEG. BISHOP:

Okay. So then, if you support Legislator Schneiderman --

P.O. CARACAPPA:

If you support Legislator Schneiderman's idea of discharging it and then tabling it to the full session of the Legislature, the next General Meeting on the 24th, you would then make the motion to table after the discharge.

LEG. BISHOP:

But you need to support discharge first.

P.O. CARACAPPA:

You have to support discharge first.

LEG. BISHOP:

Thank you.

P.O. CARACAPPA:

Or else -- or else it goes to --

LEG. ALDEN:

We didn't vote on the discharge yet.

P.O. CARACAPPA:

Look, I have a question for Counsel before we go any further. Let's say we discharge it, it's before us, do we have to wait the hour before we make the motion to table?

MS. KNAPP:

No.

P.O. CARACAPPA:

No. The answer from Counsel was no.

MS. KNAPP:

No.

P.O. CARACAPPA:

Okay. Just to clarify the procedure. Legislator Nowick, then Legislator Caracciolo.

LEG. NOWICK:

Yeah. I just wanted to put on the record, I sit in the Ways and Means Committee, and I think that Mr. Dow did not have an idea that he was -- probably would be protocol to come to the Legislators. I've been contacted. I'm sorry, I was in meetings all day yesterday, but I will get

back to you.

And I will say that I think that probably would have gotten out of the meeting yesterday, had it not been for Legislator Lindsay with all his questions. It would have gone out yesterday. With due respect to Legislator Lindsay, that is why it was tabled. And I just wanted to make that clear.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Yes, Mr. Chairman. My question relates to the two absent members. When was this meeting called, and what circumstances precluded them from being present today?

P.O. CARACAPPA:

Just for the record, Legislator Crecca is on his way. The meeting was just called last week, I think a day after -- a day after the Special Meeting that we received for the State of the County Address Special Meeting. Legislator Crecca teaches at Hofstra University and is on his way here. That class has ended and he's on his way. And Legislator Lindsay, I couldn't speak to his absence, except for I think he had prior commitment long before to be out of town for some sort of engagement.

LEG. CARACCCIOLO:

Because I know Mr. Lindsay was present Monday night for the State of the County Address, and there were two other Legislators absent that night.

P.O. CARACAPPA:

Yes. When you have special meetings called in a very short period of time --

LEG. CARACCCIOLO:

Oh, I realize that and you realize that. And I think the County Executive should be under advisement that, you know, a little communication goes a long way. And I would just make the observation, I've never missed a special meeting in 12 years, that a little communication on his part would go a long way in moving matters like this right along.

P.O. CARACAPPA:

Thank you. Legislator Vilorio-Fisher.

LEG. VILORIO-FISHER:

I just have two questions. If it's discharged today and -- well, until a moment ago I thought maybe we'd be out of here before the hour, and so we'd have to look at it at the next General Meeting. I did, however, want to ask Legislator -- Legislators Tonna and Bishop, who I believe had said at the Organizational Meeting that they would not be able to attend on the 24th, so --

LEG. BISHOP:

Correct.

LEG. VILORIO-FISHER:

And that's on the calendar that was set at the Organizational Meeting and we'll still have two Legislators missing. And so --

LEG. BISHOP:

It won't be April until we have everybody.

LEG. VILORIO-FISHER:

We're not going to have a full contingent on March 23rd either, because Legislator Tonna has put it on the record that he would not be able to attend, he'll be in the Czech Republic. So, what I'm asking, and, again, as I said before, I have no disagreement with what happened at Ways and Means with the Chair, I believe that we've seen a more fleshed out picture of this candidate here, and I'm asking if we could discharge it. There is one member missing. I think he's made his feelings clear. I think Legislator Crecca will be here. There will be two people missing on the 23rd -- on the 24th, there will be one person missing on the 23rd. You know, because of absence, I don't know if that's enough -- if that's a compelling enough reason not to discharge it.

I do understand, and I believe that Legislator Schneiderman's suggestion could be a good compromise, if people want the opportunity to speak personally with Mr. Dow. I can understand that, and I'll support the tabling motion, if that's what we see. But I don't want to table it just because of absence or presence of people, because we're -- our next three meetings we're not going to have a full --

LEG. BINDER:

Mr. Chairman.

LEG. VILORIA-FISHER:

-- Legislature sitting here.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Yeah. I think we can make a sharp distinction between when we try to set our meetings. They are on Tuesdays. They are preceded by weeks of committee meetings. Much more difficult to put together to have 18 people comfortable and able to be at meetings when we have the constraints we had. When setting up a special meeting, there is no Tuesday constraints, there are no committee constraints. The County Executive really had the flexibility to do it almost any day he wanted to. Not almost any day, really any day, any time, and, obviously, anywhere he wanted to. So he could have done it.

My understanding is two weeks ago, Legislator Crecca talked personally to the County Executive, told him this would be a problem, because he does teach. The County Executive said, well, if he does it, he will be doing it, and that's too bad, because that's when he's doing it anyway. Legislator Crecca had to leave for the teaching of a class early for the -- to get out to Southampton, so he couldn't do that two times to his student to leave early. But he was specifically told. And he has the flexibility, really, to do it any time that he wanted to and he chose, knowing full well that Legislator Lindsay and Legislator Crecca wouldn't be here. And I don't think that we have to vote on something when they're not here, when there was a flexibility not to.

P.O. CARACAPPA:

Anybody else? Okay. There's a motion before us to discharge from committee and a second. Motion, again, was made by Legislator Viloria-Fisher, second by Legislator Cooper. This is to discharge from committee. We can't table until discharged.

D.P.O. CARPENTER:

But you could -- if I could Mr. Chairman.

P.O. CARACAPPA:

Legislator Carpenter. You could make --

D.P.O. CARPENTER:

The motion --

P.O. CARACAPPA:

To discharge and table.

D.P.O. CARPENTER:

The motion to discharge for the purposes of tabling.

LEG. FOLEY:

Mr. Chairman, I would --

D.P.O. CARPENTER:

Is that the motion?

LEG. FOLEY:

I would object to that. I think first we need to discharge, and then we can debate whether or not we want to vote on it today or at the next meeting.

P.O. CARACAPPA:

The motion is to discharge. And we'll take the second motion after the first one has been approved, if it is. There's been a call for a roll call, so roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. VILORIA-FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

No.

LEG. BINDER:

No.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

(Not Present)

LEG. ALDEN:

Yes, to discharge.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

(Not Present)

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Yes, to discharge.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

You said yes to discharge? Change my vote to a yes. The Chairman says yes.

LEG. ALDEN:

Absolutely.

LEG. TONNA:

Okay. So the Chairman said yes to discharge, so I'll -- let's change my vote.

MR. BARTON:

14. (Not Present: Legs. Lindsay and Crecca).

LEG. BISHOP:

All right. There's a motion to table.

P.O. CARACAPPA:

The bill is discharged and before us. To approve, it needs to age for an hour. We can make a motion to table. Is there a motion to table?

LEG. O'LEARY:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator O'Leary.

LEG. BISHOP:

Second.

P.O. CARACAPPA:

Second by Legislator Bishop. All in favor? Opposed? Abstention?

LEG. FOLEY:

Tabled to what date, though. It has to be a date certain.

P.O. CARACAPPA:

To the General Meeting.

LEG. FOLEY:

Of?

P.O. CARACAPPA:

The 24th.

LEG. FOLEY:

Of February.

P.O. CARACAPPA:

Correct. On the motion, Legislator Alden, before --

LEG. ALDEN:

No.

P.O. CARACAPPA:

Okay. Okay.

LEG. TONNA:

That's it.

LEG. BISHOP:

That's it. Okay, very good.

MR. BARTON:

15. (Not Present: Legs. Lindsay and Crecca)

P.O. CARACAPPA:

It's tabled until the next General Meeting on the 24th. Moving on. Moving on and moving back. Item Number 2. Okay. **1082 (Resolution confirming appointment of County Commissioner of Probation)**. There's a motion by Legislator Carpenter.

LEG. BISHOP:

Second.

P.O. CARACAPPA:

Second by Legislator Bishop. On the motion, Legislator Carpenter.

D.P.O. CARPENTER:

On the motion. I would just like to state --

P.O. CARACAPPA:

Go ahead.

D.P.O. CARPENTER:

Thank you. That Mr. Desmond is the designee for the County Director of Probation. I don't know if anyone, you know, feels the need to have him come forward and ask any questions, but we asked him extensive questions in the Public Safety Committee, and everyone was extraordinarily impressed by the fact that he's got a long history with the County Department of Probation, 31 years, that this was the most appropriate appointment and everyone was quite proud to be able to support it, so I'm happy to make that motion to approve.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

There's a motion and a second, and there's a second of the second by Legislator O'Leary.

LEG. BISHOP:

I'll withdraw my second.

LEG. O'LEARY:

I didn't know there was a second.

LEG. VILORIA-FISHER:

Just in case.

P.O. CARACAPPA:

There was a withdrawal of the second by Legislator Bishop. The second is by Legislator O'Leary. All favor? Opposed? Abstentions?

MR. BARTON:

15. (Not Present: Legs. Lindsay and Crecca)

P.O. CARACAPPA:

Congratulations, Mr. Desmond.

MR. DESMOND:

Thank you.

P.O. CARACAPPA:

Well deserved.

MR. DESMOND:

Thank you very much.

P.O. CARACAPPA:

Skipping to Item 4. **1091 - Resolution to streamline and consolidate County Government by eliminating separate County Department of Aviation.** This original bill was amended. There is a CN for you. Counsel?

MS. KNAPP:

I haven't had a chance to look at the new bill.

LEG. BISHOP:

Well, I guess --

LEG. ALDEN:

Mr. Chairman, can we -- can we take about a 15-minute break to look at that bill? Counsel hasn't even looked at it. It just got dropped on us right now.

LEG. BISHOP:

All right. Why don't we skip over this and we'll come back to it?

LEG. ALDEN:

And we're going to need a couple of minutes to look it, though, so we need a little bit of a break.

LEG. BISHOP:

Maybe it's -- maybe it's --

P.O. CARACAPPA:

Listen.

LEG. BISHOP:

Perhaps it's not --

P.O. CARACAPPA:

Colleagues, if I could ask everyone not to just call out, it's getting quite confusing. So, Legislator Alden, is that a motion to recess?

LEG. ALDEN:

No, it's not.

P.O. CARACAPPA:

Okay.

LEG. ALDEN:

It's just, if we're going to vote on this, we're going to need about 15 minutes to read it, because it was just given to me less than two minutes ago.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

There's another way of doing this, as we've done it in times past, which is have a representative from the County Exec's Office come to the podium, give us an explanation as to whether it's a substantial change or a minor change, and that way we may not have to have a 15-minute break.

LEG. BISHOP:

Right.

LEG. FOLEY:

They can just come forward and tell us what the difference is.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

No.

P.O. CARACAPPA:

Okay.

LEG. BISHOP:

That was exactly what I was going to say.

P.O. CARACAPPA:

Legislator Binder, then Alden.

LEG. BISHOP:

Why don't we just find out what the --

LEG. BINDER:

Mr. Chairman, so I am to understand now we have taken care of the Commissioner of Probation, we've at least decided what we're going to do with the Commissioner of Labor at this point, so everything that could be out is out, unless it's discharged, and we have just these CN's sitting in front of us?

P.O. CARACAPPA:

No.

LEG. BINDER:

Is that --

LEG. BISHOP:

No.

P.O. CARACAPPA:

What we have, Item 4.

LEG. BISHOP:

Five. Five, I want to -- we want to put some things on the record.

LEG. BINDER:

Well, no. Four is --

P.O. CARACAPPA:

Four is actually -- actually, 4 is -- as it relates to the agenda, is invalid, due to the fact that it's a

CN and there was changes, but there is a CN on it. So we'll wait -- we'll wait on this until we get to the CN's.

LEG. BINDER:

There's a CN, but there's no -- but it's not before us. Other than by CN, it's not before us.

P.O. CARACAPPA:

Correct.

LEG. BINDER:

Nothing else is before us, other than by CN?

LEG. SCHNEIDERMAN:

Well, that's not quite true.

P.O. CARACAPPA:

I'm just -- I'm just --

LEG. SCHNEIDERMAN:

So it was discharged.

LEG. VILORIA-FISHER:

It was approved in committee.

LEG. BINDER:

It was approved.

P.O. CARACAPPA:

Yes, but it has to be tabled due to a corrected copy, amended copy late this afternoon. So it's ineligible for action, that's why a CN has come over, and we'll take it up when we do the CN's on Item Number 8.

LEG. BINDER:

Can I -- Can I --

P.O. CARACAPPA:

Number 5 is not before us.

LEG. BISHOP:

No. On Number 5, though, Mr. Chairman --

LEG. SCHNEIDERMAN:

Presiding Officer, point of order.

LEG. BISHOP:

-- may I be recognized?

LEG. BINDER:

I'm trying to get -- let me --

P.O. CARACAPPA:

Legislator Binder has the floor.

LEG. BINDER:

Right. And I'm trying to get from -- either from Counsel or from the Presiding Officer, I want to know exactly the status of where we are.

P.O. CARACAPPA:

I'm trying to do that.

LEG. BINDER:

Right. And I'm trying to help you to do that.

P.O. CARACAPPA:

Number 5 was tabled in committee, it has not been discharged. Let me just go through the items first before people makes motions. Number 6 was tabled in committee, therefore, not before us. Number 7 was tabled in committee, therefore, not before us. Number 8, we have a stack of CN's that we will get to. Going back to Item Number 5.

LEG. BISHOP:

I wish to --

P.O. CARACAPPA:

Legislator Binder, was that sufficient?

LEG. BINDER:

Yeah. So, literally, we have only the Aviation question. It was discharged. We now have the possibility of a CN. Everything else is --

P.O. CARACAPPA:

We have a stack of CN's that have been placed before you.

LEG. BINDER:

Okay.

P.O. CARACAPPA:

Everything else is --

LEG. BINDER:

That's what I wanted to know.

P.O. CARACAPPA:

Has been left in committee. Legislator --

LEG. SCHNEIDERMAN:

Presiding Officer.

P.O. CARACAPPA:

Legislator Bishop.

LEG. BISHOP:

Yeah, I just -- if I can engage in what they call colloquy, if I could put -- request some items on the record, some questions on the record with the Presiding Officer to reflect a conversation that we had earlier. As Minority Leader, and representing my caucus, I know that there is -- in

committee, there was discussion that --

P.O. CARACAPPA:

Legislator Bishop, just so you know, we're talking about Item Number 6, which is --

LEG. BISHOP:

No, I'm --

P.O. CARACAPPA:

You're just making a statement.

LEG. BISHOP:

Just making a statement and asking you a question --

P.O. CARACAPPA:

Go right ahead.

LEG. BISHOP:

-- and putting things on the record regarding 5, which I understand is tabled in committee.

Regarding Item 5, which is the confirmation of the Parks Commissioner and nominee, Ronald Foley, it's my understanding that at the Parks Committee, and the objection to the resolution was not as to the nominee, Mr. Foley, and his qualifications, but, rather, to the legality of the Legislative vehicle, that -- I guess I'm talking to him, so I just wanted to make sure that --

D.P.O. CARPENTER:

Yeah.

LEG. BISHOP:

That there is a Charter Law that specifically says that the Parks Commissioner needs to reside within the County for one year prior, that we all acknowledge that Mr. Foley does not or has not resided in the County for one year prior, and that in order to waive that, you cannot do it by citing the Administrative Code, you would need a legislatively equivalent resolution; and is that correct?

P.O. CARACAPPA:

That is correct.

LEG. BISHOP:

Okay. And I -- that's my understanding as well. It's my further understanding that the Presiding Officer and the Deputy Presiding Officer agree that if a legislatively equivalent resolution can be drafted, that it will have their personal support, and with that assurance, that Mr. Foley can begin to work in the Parks Department as an Acting Commissioner.

P.O. CARACAPPA:

As you said, personal support.

LEG. BISHOP:

Right. Well, I know you can only speak for your --

P.O. CARACAPPA:

Correct.

LEG. BISHOP:

The two of you. Okay.

P.O. CARACAPPA:

And that is -- that is true.

LEG. BISHOP:

Okay. And I --

P.O. CARACAPPA:

My main -- my objection, and I don't think I could speak for everybody, but the majority of the people that, Republican and Democrat alike, they all had a problem with the Charter, the clause in the Charter that was asked to be waived. So, if you'd like, I'd like to -- if you'd want, I'd read it into the record.

LEG. BISHOP:

Sure. I just want to, you know.

P.O. CARACAPPA:

This came from --

LEG. BISHOP:

I don't want any confusion later on.

P.O. CARACAPPA:

From Legislative Counsel, Mea Knapp. "Pursuant to the question raised in the Parks Committee regarding Introductory Resolution 1097-2004, resolution confirming Commissioner of County Department of Parks, Recreation and Conservation and its compliance with the Suffolk County Charter and its Administrative Code, please be advised as follows: I.R. 1097 would have the Legislature confirm the appointment of the Commissioner of Parks, Recreation and Conservation as Ronald F. Foley, who currently resides in Troy, New York. The second resolved clause of 1097 would waive the residency requirement contained in the Administrative Code and in the Suffolk County Charter. The waiver of this residency requirement contained in the Code is legally sufficient and is not an issue. However, Section 28-1(B) of the Suffolk County Charter requires that the Commissioner of Parks be a resident of the County of Suffolk for at least one year prior to his appointment. As this one year residency requirement is embedded in the Charter provisions, it cannot be waived by mere resolution. The doctrine of Legislative equivalency requires that a Charter Law be amended or repealed only by an action of equal dignity. While there are no cases relating to a waiver of the Charter Law, a waiver is, in effect, a temporary amendment." So it would take a resolution of Legislative equivalency to --

LEG. BISHOP:

Right, which would be a Local Law waiver, or a Local Law -- a Charter Law or a Charter Law waiver.

P.O. CARACAPPA:

Correct.

LEG. BISHOP:

Okay. Very good. And so that it is -- he may serve as Acting Commissioner until that time and it's legal, that's our understanding.

P.O. CARACAPPA:

That's if the -- that's the County Executive's prerogative.

LEG. BISHOP:

Right. Okay.

P.O. CARACAPPA:

Okay.

D.P.O. CARPENTER:

The only -- if I could.

P.O. CARACAPPA:

Legislator Carpenter.

LEG. CARPENTER:

The only thing that was not put on the record, Legislator Bishop, was my concern that they work with our Legislative Counsel to craft a way for us to do it legally.

LEG. BISHOP:

Right.

LEG. CARPENTER:

Okay.

LEG. BISHOP:

That's true.

P.O. CARACAPPA:

Yes.

LEG. BISHOP:

And that's acknowledged.

P.O. CARACAPPA:

And we would certainly appreciate it. Legislator Schneiderman.

LEG. BISHOP:

Okay. So I think -- I just wanted to conclude my remarks. I think that that is an example of how we can work together and solve problems and not --

P.O. CARACAPPA:

Bravo.

LEG. BISHOP:

And solve problems. Let's just leave it like that.

P.O. CARACAPPA:

Okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

First, let me speak to that last point. As Chair of the Parks Committee, that I think that on behalf of the entire Committee, I think we were all quite impressed by Mr. Foley, who happens to be in the audience. I think it was unfortunate that we could not recommend the appointment yet, because of the waiver of the Charter. I think had that not been an issue, I think that -- in fact, I feel quite confident that he would be appointed to that position right now.

LEG. VILORIA-FISHER:

And we worked together very well.

LEG. SCHNEIDERMAN:

Yeah, so -- and now I think that, you know, there is a possibility that we can look at that provision in the Charter and possibly amend it, if it seems like, at this point in time, it's a logical provision across the board, regardless of the particular appointee. So I'd be willing to -- I'd be willing to look at that.

I wanted to say before on the issue of the Aviation Department resolution, that there is actually two CN's, Certificates of Necessity, that deal with that issue that were presented, Number 1142, and it's also built into 1091. And I hope at some point, when we get to discuss these Certificates of Necessity, that there is somebody from the County Executive's Office, because

although the original resolution was discharged from the committee, from Economic Development Committee, there are some questions that I did want answered before I'm prepared to move forward, one quite serious question, so I hope there is a representative here.

P.O. CARACAPPA:

There is representation from the County Executive's Office, and when we get to the CN's, we will have them part of the discussion. Legislator Crecca, welcome.

LEG. CRECCA:

Thank you. And I apologize to my colleagues for being late. I had told the County Executive I had another obligation. The truth of the matter is, as I left that obligation early to get here, on the Northern State Parkway, unfortunately, there was a truck or something stuck, so it did not -- it didn't oblige at all, so I -- but I'm glad to be here.

I would ask my colleagues, I know there were a number of things done while I wasn't here, the only one I would ask for -- to do a motion to reconsider is Item Number 2, which is I.R. 1082 of 2004. I understand it was a unanimous vote, and I'd ask for a motion to reconsider.

D.P.O. CARPENTER:

Motion.

P.O. CARACAPPA:

There's a motion to reconsider by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions? **1082** is before us once again. Mr. Desmond, we just keep bringing you back. There's a motion to approve by Legislator Carpenter, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: Leg. Lindsay)

P.O. CARACAPPA:

You're approved again.

D.P.O. CARPENTER:

You have another vote.

P.O. CARACAPPA:

It's the first time in history I think someone's been confirmed twice in one -- in half an hour.

MR. DESMOND:

I appreciate the overwhelming support.

LEG. CRECCA:

Thank you.

D.P.O. CARPENTER:

We appreciate you.

LEG. VILORIA-FISHER:

We're voting early and often for you.

P.O. CARACAPPA:

Okay. Moving on to the CN's. Ladies and Gentlemen, we have quite a few CN's that have been presented tonight. Obviously, some are pro forma with relation to grants, some of them are far-reaching with relation to the County Executive's cost-cutting measures. Some of these -- one of them needs to be tabled right away, which is 1139, because it needs public hearings. Why don't we take the easy ones first and do the grant, 1138. Motion by myself, second by Legislator Crecca. This is on a grant.

LEG. ALDEN:

No. But just a point.

P.O. CARACAPPA:

A grant application.

LEG. CRECCA:

My packet isn't --

LEG. ALDEN:

Legislator Crecca didn't get a package.

P.O. CARACAPPA:

Oh, okay.

LEG. CRECCA:

I got a package with no CN's in it.

MS. BURKHARDT:

Here comes Ann Marie.

LEG. BINDER:

Give me the numbers again.

P.O. CARACAPPA:

1138 is for a grant application. That is --

LEG. SCHNEIDERMAN:

Point of personal privilege just to correct the record. I had spoken before of the two resolutions dealing with the airport. I misread one of the numbers. I should have said 1140, not 1142, and 1091 I had correct. Sorry, I just read off the wrong resolution. Thank you.

P.O. CARACAPPA:

Thank you, and let the record reflect that. There's a motion for the first CN, which is 1138.

LEG. VILORIA-FISHER:

Second.

P.O. CARACAPPA:

And a second. All in favor? **1138** to approve. This is a grant application. **Authorizing permission to apply for a grant from the New York State Environmental Facilities Corporation-financial assistance to Business Water Program to improve and expand Sewer District No. 18.** All favor? Opposed? Abstentions?

MR. BARTON:

16. (Not Present: Leg. Lindsay)

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Were you told that this was coming over? I know we just approved.

P.O. CARACAPPA:

No.

LEG. BINDER:

And I asked afterwards. It has been --

P.O. CARACAPPA:

I was not told. I was not told at all. I had some -- a lot of people told me they were coming over, but I never received a phone call from the County Executive, I never received a phone call from the County Executive's representatives. These are all brand new, just laid on my -- laid before me. Not one phone call, not -- I don't know who else didn't get contacted by the County Executive that these were coming over tonight in CN form. I would expect that these would have just been filed, because the filing deadline is next week. And all they had to do was walk these down to the Clerk's Office tonight and file them, and that would have been the proper way to do things. Instead, they come over with 30, 40 million dollars in cuts into County government in all areas in CN's. It's absolutely ridiculous.

Again, for me to say this, you know I'm getting pushed over the line. It's disrespectful, not only to my office, but to each and every one of us who serve a Legislative District. It's getting to the point where there is no input from the County Executive to Legislators, no input on -- no respect to the process, a process for which he was a part of for 12 years, and it's getting old real quick, so --

LEG. BINDER:

I assume that was the short answer.

P.O. CARACAPPA:

That's the short answer.

LEG. BINDER:

I didn't -- I obviously didn't bring that up until after we considered 1138 and we did it, it's not controversial, but my understanding, also, is that as long as I've been here, there's been really somewhat of an unwritten agreement between the County Executive and the Presiding Officer and the Legislature, is that with CN's, we would be notified before they came over. And then, as you point out, Mr. Presiding Officer, the import of these even raises the concern to another -- another height.

And I just want to say that it -- again, it's just a question of a co-equal branch of government being treated with respect, being treated with dignity and communication. The question in your first few months as a County Executive is what kind of relationship will you establish with the co-equal institution in government, and, so far, it's one of noncommunication, it's been of -- one of saying, "This is what you'll do, when you'll do it, the way I want to do it," and he's breaking with a lot of past practices. And I think in CN's, this is a past practice you shouldn't break with, a past practice that says you'll go to the Presiding Officer and you'll at least let the body know what you're going to be bringing, and I think, again, this is unfortunate.

LEG. SCHNEIDERMAN:

Presiding Officer.

P.O. CARACAPPA:

Legislator Bishop.

LEG. CRECCA:

Put me on the list.

P.O. CARACAPPA:

Then Schneiderman, and then Crecca.

LEG. BISHOP:

Let's -- you know, we were making progress at calming this down, and then it wants to fan back

up, and there's really no need for it. Let's recall not very long ago, maybe six months ago, and the past practice then. That County Executive, that administration would come in all the time with emergency resolutions that were highly significant and that we always suspected were long in their possession and demand a vote on that night. Now, that's not what this County Executive is doing, he just wants to lay it on the table. I don't know --

P.O. CARACAPPA:

Then why a CN? How come he just didn't file it?

LEG. BISHOP:

I don't know, but let's not make it into what it's not. He's not coming over and saying, "Pass my thing immediately, do it my way." That's the first thing.

The second thing is that he has extended countless invitations for communication, you know, and I myself have gone over to the other side of the street and heard his presentations and have said that I will not sign on in advance to anything, but I have gone over there to listen and to establish common sense of facts. Maybe some other Legislators have as well. Deputy Presiding Officer I know was at one meeting that I was at, and so was the Presiding Officer. But the invitations come almost continually and, you know, you almost want to say, "Enough with the meetings." But it's not like --

D.P.O. CARPENTER:

Point of personal privilege, if I could.

LEG. BISHOP:

Sure.

P.O. CARACAPPA:

Yeah, after he's -- after he's finished.

LEG. BISHOP:

I don't know what you need personal privilege for, but I'll yield.

D.P.O. CARPENTER:

Well, I just want to clarify something. The invitation that came initially to the Presiding Officer and myself was in these words, "To discuss the rules of engagement."

P.O. CARACAPPA:

That was the only invitation we've had. At that point, he asked us, you were there, he asked if you wanted to participate in this budget process that he was doing.

LEG. BISHOP:

Right.

P.O. CARACAPPA:

I brought it back to my caucus. We decided that we'd let the process unfold.

LEG. BISHOP:

Okay.

P.O. CARACAPPA:

That was the only invitation I've received --

LEG. BISHOP:

That's fine.

P.O. CARACAPPA:

-- only phone call I've received. Nothing else has happened, it's all been just placed before me since then.

LEG. BISHOP:

But I don't think it's fair to say that he hasn't communicated. I mean, obviously --

P.O. CARACAPPA:

He hasn't. He hasn't.

LEG. BISHOP:

-- he asked you to come over and --

P.O. CARACAPPA:

Bottom line.

LEG. BISHOP:

-- work on it in advance. You declined, and that's a fair position. But it's not fair to say, "The guy doesn't communicate with me." And it's not fair to imply that he's jamming things, you know, down our throat and demanding votes immediately, which he's not. He just wants to file the bills. We'll have --

P.O. CARACAPPA:

Why doesn't he?

LEG. BISHOP:

I don't know.

P.O. CARACAPPA:

You can't say that.

D.P.O. CARPENTER:

Well, then don't defend him if --

LEG. BISHOP:

Well -- but I know what he's not doing, he's not insisting on a vote.

D.P.O. CARPENTER:

Can we have somebody from the County Exec?

P.O. CARACAPPA:

How do we know that? When a CN comes over -- just a second. When a CN comes over, it means a Certificate of Necessity to be voted on by 12 votes. If not, it's filed with the Clerk.

LEG. BISHOP:

You're going to have a presentation in a minute from the County Executive's Office. I assume you're going to --

P.O. CARACAPPA:

Of course.

LEG. BISHOP:

-- with that tradition.

P.O. CARACAPPA:

Absolutely.

LEG. BISHOP:

And I -- and I suspect they're going to say, "We just want to file, we just want to have them sent to committee."

LEG. BINDER:

It's his agenda.

LEG. BISHOP:

You know, enough -- my perspective, if we want to have a productive year, and we seem to be vacillating as an institution between wanting to have, you know, partisanship and strong rhetoric, or wanting to have practical solutions, this is an opportunity to move it toward practical solutions and have the kind of year that we're going to need to have when you're talking about a year in which we're dealing with a quarter of a billion dollar potential deficit, and, at best, it's a hundred million dollar deficit. So we really have to get our act together, we have to work together, and we have to move past, you know, worrying about minor issues and start concentrating on major issues. And, yes, the County Executive can do better in communicating with you, but we can also not spend most of our time debating style, we should really get to substance.

P.O. CARACAPPA:

Legislator Bishop, I fully agree. You, knowing me for the time that you do, know that the last person who wants to be partisan is myself, and that's the truth. I want to do work, hard work, like everybody else here, like the County Executive, and I'll say that openly. But the bottom line is there -- after that first initial meeting, there has been absolutely no communication whatsoever with me personally, and that's the truth. So I just want to put that on the record and let --

LEG. BISHOP:

I'm sure there is better communication.

LEG. SCHNEIDERMAN:

My turn, is it not?

P.O. CARACAPPA:

Yes. Legislator Carpenter asked for -- okay. Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I myself, being one of the rookies here, this is the first time that I'm seeing the Certificate of Necessity. Some of you may have seen these things before, but to me it would seem that there's a presumption of urgency. Now, I know we just passed 1038 and everybody says that there's no -- you know, it's a simple one, but I would certainly think that somebody would explain from the County Executive's Office why it has to be voted on today, why it couldn't have waited for two weeks. Now, sometimes there are things buried in things, and that's one of the problems I have with one of these other CN's is there actually is the termination of an employee who -- you know, a real live human being who happens to be sitting here in the audience, that if this CN goes through, doesn't have a job.

Now, I've made calls to the County Executive's Office to try to have this explained to me, if the person is being reassigned, but her title does not exist. Now, you wouldn't know it from reading the simple face of the resolution, it just seems like a simple budget amendment to clarify the moving, you know, since there's no Department of Aviation, to move the budgeted amounts to the Department of Economic Development, but they have left out this woman, Pauline Mize's title. And, you know, if you want to eliminate somebody, it ought to be part of a very clear and open process and not a, you know, behind-the-scenes thing. Now, I'm not accusing the County Executive of that, I just simply want an explanation as to what happens to that title and what happens to this individual.

So, as much as I appreciate what you're saying, Legislator Bishop and others, I feel like we need explanations on these things, even the simple ones. And if it's not an emergency, the vehicle of a Certificate of Necessity doesn't seem to make sense. So in this sewer district, and, you know, I support the idea of going out for the, you know, Environmental Facilities Corporation for

funding, but why does it have to happen today? Is there a problem with this sewer system? Is it polluting the environment? Is there a reason why it must be rushed?

P.O. CARACAPPA:

There's a deadline on a grant for next week, I think.

LEG. SCHNEIDERMAN:

Okay. Well, that's the kind of thing that needs to be explained.

P.O. CARACAPPA:

Todd, if you wouldn't mind, Mr. Johnson.

MR. JOHNSON:

I apologize if the reason isn't --

LEG. SCHNEIDERMAN:

Because it puts me on the spot, and I don't --

MR. JOHNSON:

No, no, no, it's --

LEG. SCHNEIDERMAN:

-- particularly like to act without having read something fully.

MR. JOHNSON:

No. It's a very good question. I think, if you take a look at the resolution, the grant application, there's a letter from the Commissioner where he says that, "As the deadline to apply for this grant is Friday, February 13th," he would like to get your approval to apply for this, for these fundings, so that he can move forward with this project.

LEG. SCHNEIDERMAN:

Right. But you have to --

MR. JOHNSON:

That is the reason why we're presenting it to you.

LEG. SCHNEIDERMAN:

Right. So you have to file through some 40 pages or so to find that, but that would be nice to have that on the face or have that explanation as it's handed to us as to why -- why there's a sense of urgency.

MR. JOHNSON:

That's why I'm here to explain it to you.

LEG. SCHNEIDERMAN:

And I appreciate that, Todd. Yeah, I appreciate that.

P.O. CARACAPPA:

Okay. Legislator Crecca.

LEG. CRECCA:

I was asking on 1138 some questions and was going to ask to reconsider it, but I've had an opportunity to review it and speak to Public Works, and I'll just -- I'm going to leave things the way they are, and this does need to be done. So that's what I was asking to speak on.

With regard to the other resolutions, I suggest we just go through them one by one.

P.O. CARACAPPA:

Yep, that's what we're going to do.

LEG. CRECCA:

Certainly, if there's no urgency on them, they can be sent back down to committee.

LEG. ALDEN:

No, file them.

P.O. CARACAPPA:

Okay. We have a list still. Legislator Tonna, and then we're going to go to the County Executive.

LEG. TONNA:

I just want a clarification, if somebody could explain this to me. I don't think I've seen this before, where you have a CN to put it -- you can file these bills.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Now, the only reason --

P.O. CARACAPPA:

The deadline's next week.

LEG. TONNA:

Right. And, Todd, so I want you to answer. The only reason that it would be is to circumvent the committee system. That would be the only reason, so that you can then discharge them.

P.O. CARACAPPA:

Yeah, the Seven Day Rule.

LEG. TONNA:

Right.

P.O. CARACAPPA:

Circumvent the Seven Day Rule.

LEG. TONNA:

Right.

P.O. CARACAPPA:

This is what this is all about.

LEG. TONNA:

Yeah.

P.O. CARACAPPA:

Which is another disrespect to this body.

LEG. TONNA:

So, what I'm saying is, is that in fairness, people understand, I've never seen before, I don't think, and maybe, you know, we've voted on thousands of bills in the last ten years, but I don't think I've ever seen a situation where we have a CN -- you know, at a special meeting, I've seen them, but a CN to be able to say to file the bills, not on to vote on them then.

LEG. BISHOP:

Absolutely, we have.

LEG. TONNA:

No, no. Only to -- no, I haven't seen anything like that, to say that we don't want to go through the committee system, unless it was something of dire need right then and there to vote on, period.

P.O. CARACAPPA:

Let me ask -- I'm sorry, Legislator Tonna.

LEG. TONNA:

And is there -- and the arguments have to be on each one of these, you're telling me that there is such dire need that you would say that the County Executive does not want to see these go through the committee system; am I correct?

MR. JOHNSON:

What the County Executive is hoping to do here is have these resolutions, which he feels are vital at this time, and need to be considered at the earliest point. I believe it was Legislator Bishop who pointed out that there have been times when CN's have certainly been brought before the Legislature on items of very great importance, which the Legislature has considered on that very same day. In this case, the County Executive is asking you to lay these on the table. Then it will, in fact, you're right, be eligible for a vote on February 24th. So, instead of giving you a day's notice for a resolution, he's actually giving you several days notice for the fact that --

LEG. TONNA:

Okay.

MR. JOHNSON:

-- he's going to be moving forward with this request on February 24th.

LEG. TONNA:

And then I -- then would advise, like I think everybody else has come to the conclusion, at least now I understand the thought process behind why they would do that, is then to look on each bill, each CN brought up and see if there is an urgency, which, you know, that's why it's a Certificate of Necessity.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

There could be one other possibility that we have to consider here, too, is that once we pass the Certificate of Necessity, a special meeting could be called, and I believe it's seven days later?

MS. KNAPP:

Seven days.

LEG. ALDEN:

Seven days later, another Special Meeting could be called to act on these.

MR. JOHNSON:

Well, a Special Meeting could be called in any case.

LEG. BINDER:

Sure.

LEG. SCHNEIDERMAN:

Is that the intention?

LEG. ALDEN:

Exactly my point. This is -- what is today, Wednesday? Two days ago, we were sitting at another Special Meeting where these same issues were all floating around. Now today, we're back for a Special Meeting. These could pass.

MR. JOHNSON:

Well, I could --

LEG. ALDEN:

We could have an another Special Meeting, another Special Meeting, and another Special Meeting on top of that.

MR. JOHNSON:

I can tell you there are two issues there. One of them is that -- is that -- I don't know if you would want to attach this meeting to that meeting, but right here, these items, these resolutions are, in fact, and I will tell you this, these have just been developed, as opposed to, I think somebody here eluded to the fact that sometimes things have been in hand and only presented at the last second. These things were finalized and done as of today, and they're being presented to you today.

LEG. ALDEN:

And I don't see an emergency on any one of these, to act on any one of these. Except the one that you just mentioned as far as the deadline for the application for this grant, there's no emergency on any of these. These could go through the full committee cycle and not hurt or jeopardize anything.

MR. JOHNSON:

I think the County Executive's position is that he thinks that dealing with these and addressing these matters as soon as possible is urgent.

LEG. ALDEN:

No. He thinks dealing with us on a Special Meeting basis is urgent, and that's the order of the day, and that's what I find troubling.

MR. JOHNSON:

As I said, the Special Meeting wasn't called for these particular items, they've just been developed today, but there were the other items on the agenda.

LEG. SCHNEIDERMAN:

Does the County Executive intend to call a Special Meeting next week?

P.O. CARACAPPA:

Legislator -- Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'm sorry.

P.O. CARACAPPA:

There's a list.

LEG. SCHNEIDERMAN:

Todd --

P.O. CARACAPPA:

No, there's a list.

LEG. SCHNEIDERMAN:

Okay. Sorry.

P.O. CARACAPPA:

Legislator Vilorio-Fisher, then Caracciolo.

LEG. VILORIA-FISHER:

Okay. There has been quite a bit of conjecture about what is motivating behavior, Todd, and it is just that, it's conjecture. And, if I may just look at, with my colleagues, at the CN's, the CN on the Department of Aviation, I believe, is a CN, because it's a change in the resolution that had been passed out of committee, so it's not circumventing the committee process, but there was --

P.O. CARACAPPA:

Just that one.

LEG. VILORIA-FISHER:

-- a necessary change.

P.O. CARACAPPA:

Just that one.

MR. JOHNSON:

But that particular one --

LEG. VILORIA-FISHER:

Okay. But what I'm trying to do, Mr. Chair, is to perhaps ratchet it down a little bit --

LEG. BISHOP:

Right.

LEG. VILORIA-FISHER:

-- the level of emotional blaming, and conjecture, and supposition of motivation, which is happening here. There was also somebody who said, "Is he going to call a Special Meeting next week?" There's nothing to make us think that he's going to call a Special Meeting next week.

P.O. CARACAPPA:

If this was two months ago --

LEG. VILORIA-FISHER:

Okay.

P.O. CARACAPPA:

-- you guys would be jumping out of your skins.

LEG. VILORIA-FISHER:

Excuse me. With regards to the State of the County Address, that's always a Special Meeting, so today's meeting is the only meeting that's a Special Meeting, that departs from the traditional

calling of meetings. Okay? So with regards to throwing out that kind of assertion, that he's going to -- well, I guess he's going to call a Special Meeting next week, let's go beyond that and let's look at the substance.

P.O. CARACAPPA:

I agree.

LEG. VILORIA-FISHER:

I haven't had a chance to look at these, as no one else has really had a chance to look at them. And I do know that I have accepted the invitation of the County Executive to go to the budget briefing meetings. And, as Todd indicated, these were not resolutions, CN's that were floating around and waiting to be pounced upon us. They have been trying to work with Fred Pollert, and we all know how thorough he is and how he carefully tries to assess the situation, and have just put these together and have introduced them. Why is there a necessity? Because whether we are 100 million dollars behind, or 235 million dollars behind, the sooner we begin to address the fiscal health of our County --

LEG. CRECCA:

Put me on the list, please.

LEG. VILORIA-FISHER:

Okay. If -- it would probably be easier for us to hear one another if we weren't having conversations.

P.O. CARACAPPA:

Guys.

LEG. VILORIA-FISHER:

Thank you. I'm asking, as did Legislator Bishop, that we ratchet down the conjecture and the blaming. I suggest that we try, as reasonable men and women, to look at the resolutions, at the CN's, one at a time and make our judgments based on what's before us and not what kind of conjecture we can throw out there. We really have to try to just stick to the business at hand.

As I said, and some of you may have missed this because of conversations you were having, the CN on the Department of Aviation is here, because there was a change. That was approved in

committee. Okay? The other CN's, if we give Todd a chance to address them one at a time, perhaps we can come to some reasonable exploration of the merits of the CN's. And I'll reiterate, and I don't know if I had gotten your attention, Mr. Crecca, when I said this, was whether we are looking at a 100 million dollar or 200 million dollar deficit, it's important for us to address it as soon as possible, and I believe that that's why there's a Certificate -- I certainly see that as a necessity. Thank you, Mr. Chair.

P.O. CARACAPPA:

Thank you, Legislator Vilorio-Fisher. But if I could just respond quickly before we go on, because there is a list. Legislator Caracciolo, go right ahead. I won't respond. Why --

LEG. CARACCILOLO:

I appreciate that.

P.O. CARACAPPA:

Why bother?

LEG. CARACCILOLO:

I appreciate that. Another Levy, this one by the name of Lawrence, an old friend at Newsday, a columnist, wrote a very good viewpoint, I believe in today's paper, that is correct, wherein he critiques Steve Levy, the County Executive's State of the County address on Monday. I don't know how many members, colleagues read it, but it was interesting that Tuesday morning in my office, a number of people that I had conversations with throughout the day about the State of the County Address, some of whom were -- were present, rather, and some who watched on T.V. at home, the feedback was very similar to mine, in that they thought, as I did, it was good theater, it lacked substance. And to find a columnist like Larry Levy pretty much in agreement with that, and I'll -- and I'd like to read from today's column. He said, "Levy's speech at Southampton College Monday night was a reasonable reminder of the tough times" -- I'm sorry. "The tough financial times remain, even as the economy recovers. His analysis of the problems and his identification of the culprits were largely accurate." And I would agree with that assessment. "Although he offered few details of what would be done to close the budget gap, and seemed determined to waste local resources on enforcement of federal immigration laws, Levy's broad ideas for saving were on target."

Another part of this article goes on to say that Levy made his mark as a tax cutter. Well, if

everybody remembers, last year, Mr. Levy voted for the largest state tax increases in the history of New York State. So I think that might have been true when he was a member of the minority in this chamber, but certainly wasn't true when he was a member of the majority in Albany. But, by not, and this is key, by not addressing head on the likelihood that property taxes are very likely, Levy also made it particularly harder for taxpayers to swallow that.

Mr. Chairman, I would submit that when I look at I.R. 1140, which was submitted today via a CN by the Chief Deputy County Executive,

Mr. Sabatino, I find here a lot of recycled attempts to save some money in County expenditures. But let me add that if the County Executive wants what he has submitted to us today, I will vote for it today, because when all is said and done, there is only so much that can be reduced in the County Operating Budget that we have discretion over versus almost a billion or almost 45% of the budget that we have no discretion over.

So let's stop playing gamesmanship here. Let's get down to business. I said the same thing a year ago when we had a Republican across the street and we had Democrats chairing committees here, and they refused to take up the serious business at hand.

The difference between 2003 and 2004 is, and I'll wait, Mr. Chairman, for everybody's attention, the difference between last year and this year is that anybody who thinks we are going to see any substantial aid or financial relief out of Albany, you're living in La-La land.

When I was up there last week and met with representatives from throughout the State at NYCE Legislative conference and at a special brainstorming session, if you want to call it that, on Medicaid strategies, it was very clear that most other County Executives, most other County Managers, Administrators, and Legislators, do not expect a handout from Albany this year, and if we do right now, even the Governor's own State of the State relief package amounts to zero this year and 10 million dollars in Medicaid relief next year.

What's my point? A, Mr. Levy, since Monday night, apparently decided, and I can appreciate this, two days later, he's put something together. But I will almost guarantee that when the real belt-tightening comes to bear, it will be the members of the Minority Party, his party, that will object the most about cutting County expenditures, and it will be members of his party who will stand with him to raise property taxes in Suffolk County. Let's get down to business.

P.O. CARACAPPA:

Thank you, Legislator Caracciolo. Legislator Crecca.

LEG. CRECCA:

Yes. I just took a quick look at all the bills, the CN's, other than 1091. Obviously, they are all dealing with budget cuts or dealing with the alleged financial crisis that has -- that Mr. Levy has set forth. I just have to inform my fellow Legislators that yesterday, I called over to Mr. Levy's office, I spoke to Chief Deputy County Executive -- or, I'm sorry, Deputy County Executive Fred Pollert to ask him what we could expect tomorrow coming over, because I was led to believe that they were going to be laid on the table today, so that we could deliberate and consider on them during the committee -- through the committee process. I was informed that decisions hadn't been made yet as to what was being sent over today, and that I was given no information about what was coming over. About 20 minutes later, I learned that the County Executive's Office had shared what cuts were going to be sent over here today with the media. And I find it disturbing that Newsday, and possibly other media outlets, knew what was being sent over before the Chairman of Budget and Finance and -- or the Presiding Officer, for that matter, because I had spoken to Joe yesterday afternoon right before that.

The bottom line is, is that I would make a recommendation that we all just got these, they are certainly not appropriate for a CN, because they are major budgetary impacts, I can tell you that right now, including rolling back the 5-25-5 Program and other major budgetary decisions, none of which will have -- make or break, or should be made on a whim on a bill that just gets thrown at us, that I've seen for approximately 10 or 15 minutes.

I'm going to make a suggestion that we recess the meeting for ten minutes to the Presiding Officer. I'd like to, A, read these, and B, I'd like the opportunity, quite frankly, to speak to my fellow Legislators in an informal setting to decide what the appropriate action to do is.

You know, I don't know why they were sent over by CN. I think it's a mistake to send these over by CN. And if the County Executive expects anyone, I don't care if you're Republican, Democrat, or otherwise, to vote on bills of this magnitude with having seen the bills for approximately a few minutes.

LEG. BISHOP:

He doesn't expect you to.

LEG. BINDER:

No, he wants to give us three days.

LEG. CRECCA:

Well, whatever the reason being is that there is -- he asked -- he could have laid them on the table.

P.O. CARACAPPA:

He's circumventing the committee process.

LEG. CRECCA:

Yeah. Well, I could tell you right now, I will never vote for bills without having the opportunity of Budget Review review them and without going through the committee process, because the whole purpose of the committee is to, especially with bills of this major impact, is to allow us the time to know what we're doing, and that means it goes for everyone. The Finance Committee and Budget Committee is supposed to make recommendations to this Legislature based on financial impact. So I'm making -- I'm asking -- I'm not even making a motion, I'm asking the Presiding Officer to recess for ten minutes.

P.O. CARACAPPA:

Ten-minute recess.

[THE MEETING WAS RECESSED AT 6:30 P.M. AND RESUMED AT 6:48 P.M.]

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA-FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Present.

LEG. MONTANO:

Still here.

LEG. ALDEN:

Here.

LEG. CRECCA:

Yes, here.

LEG. NOWICK:

(Not Present)

LEG. BISHOP:

(Not Present)

LEG. BINDER:

Here.

LEG. TONNA:

(Not Present)

LEG. COOPER:

Here.

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

LEG. BINDER:

Well, how many?

MR. BARTON:

Oh, 13.

LEG. BINDER:

Mr. Chairman?

MR. BARTON:

Oh, 14. Lynn Nowick is here.

P.O. CARACAPPA:

I recognize Legislator --

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

-- Binder.

MR. BARTON:

14. (Not Present: Legs. Bishop and Tonna)

LEG. BINDER:

Mr. Chairman, I'd like to make a motion to adjourn, which is a nondebatable motion. You can't

it's not debatable.

P.O. CARACAPPA:

It's nondebatable.

LEG. CARACCIOLO:

Second. I second that.

P.O. CARACAPPA:

There's a second by Legislator Caracciolo. It's nondebatable, based on our rules.

LEG. SCHNEIDERMAN:

Adjourning to the 24th?

LEG. CRECCA:

No, adjourning the meeting.

P.O. CARACAPPA:

No. Adjourning is ending.

LEG. CRECCA:

Ends the meeting.

P.O. CARACAPPA:

All in favor? Opposed?

[Opposed Said in Unison by Legislators]

P.O. CARACAPPA:

Opposed --

LEG. CRECCA:

Roll call.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BINDER:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

(Not Present)

LEG. BISHOP:

(Not Present)

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

No.

LEG. LINDSAY:

(Not Present)

LEG. FOLEY:

No.

MR. LOSQUADRO:

Yes.

LEG. VILORIA-FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

Legislator Tonna? Legislator Bishop?

LEG. VILORIA-FISHER:

Legislator Bishop went to pick up his car.

MR. BARTON:

Ten. (Not Present: Legs. Bishop and Tonna)

LEG. VILORIA-FISHER:

He said he was coming back.

P.O. CARACAPPA:

He doesn't have to come back. The meeting is adjourned.

[THE MEETING WAD ADJOURNED AT 6:50 P.M.]